

RULES for PARTIAL REIMBURSEMENTS OF WASTE TIRE PROCESSING AND  
USAGE(24-32-114(1)(c), C.R.S.)  
BASIS AND PURPOSE

8 CCR 1306-2

The basis for these rules is section 24-32-114 (6.5), C.R.S. (1998), which states: "The division may promulgate rules to implement the provisions of this section."

The purpose of these rules is to implement the provisions of section 24-32-114 (1 )(c), C.R.S. (1998), by paying partial reimbursements for the end use of waste tires, to assist new tire recycling technologies in becoming economically feasible, and thereby encouraging the use of waste tires and reducing the storage of such tires in Colorado.

The intent of these rules is to harmonize the provisions of 25-17-202 with those of 24-32-114 as much as possible.

RULES

Part I. Definitions

A. The definitions set out in 25-17-202 and 24-32-114, C.R.S. are incorporated by reference. The following words and terms, shall have the following meanings unless the context clearly indicates otherwise:

1. "Applicant" means any person or business seeking partial reimbursement under 24-32-114 (1)(c), C.R.S.
2. "Authorized signature" means the signature of an individual who has authority to sign on behalf of, and bind, the applicant.
3. "Cost of use" means the cost per ton to the person or business processing or end- using the waste tire material in an acceptable application. Cost of use includes the purchase price of the material, and all fixed and variable costs related to the processing of the waste tire material.
4. "Daily cover" means using waste tire material as an alternate cover placed upon exposed solid waste to control disease vectors, fires, odors, blowing litter and scavenging, without presenting a threat to human health or the environment.
5. "Director" means the director of the Colorado Division of Local Government of the Department of Local Affairs or the director's designee.
6. "Economic value" is an attribute of a product, which is producing or capable of producing a profit, or is valued through a recognized medium of exchange.
7. "End use" means:

a. For energy recovery: utilizing the heat content or other forms of energy from the burning or pyrolysis of waste tire material;

b. For other eligible uses: the last user of waste tire material to make a product with economic value. If the waste tire material undergoes more than one process in becoming a product, the end user is the last user of the tire as waste tire material.

8. "End User" means:

a. The facility utilizing heat content or other forms of energy from the combustion or processing of waste tires; or the last person or business who uses processed waste tire material to make a product with economic value.

9. "Partial reimbursement" means reimbursement from the Waste Tire Trust Fund covering costs involved in the purchase price of waste tire material and/or the cost of use of the waste tire material by an end user or processor, up to fifty dollars per ton.

10. "Processed" means changing the form of waste tires including, but not limited to, stamping, stripping, shredding, crumbing or baling.

11. "Processor" means a person or business engaged in creating processed material from waste tires, operating under a permit issued by the local, state, or federal government, or a person or business who is exempt from permit requirements.

12. "Pyrolysis" means thermal treatment of waste tire material to separate it into other components with economic value.

13. "Waste Tire" means a tire that is no longer used for its original purpose. In common nomenclature it may be referred to as a "scrap tire". This definition excludes buffings that are a byproduct from the retreading process.

14. "Waste Tire Material" means material from waste tires, whole or otherwise, that has been processed or put to an end use.

## Part II. Eligibility for Partial Reimbursement

### A. Eligible End Uses

1. Under no circumstances can waste tire material receive partial reimbursement for processing without an end use. The end-uses of processed waste tire material that are eligible for partial reimbursement include, but are not limited to:

- a. Civil engineering applications, meeting applicable American Society for Testing and Materials (ASTM) or similar standards, which utilize waste tire materials as a substitute for soil, sand, or aggregate in a construction project's land or surface applications, road bed base, embankments, fill materials for construction projects, daily cover at a permitted solid waste facility, and/or other civil engineering applications as approved by state or local health departments;
  - b. Burning of waste tire material for energy recovery or supplemental fuel;
  - c. Pyrolysis or other technologies for the conversion of waste tires to components with economic value; and
  - d. Products made from waste tire material such as molded rubber products, rubberized asphalt, or other products.
2. Uses that are not eligible for partial reimbursement include:
  - a. Reuse as a vehicle tire;
  - b. Retreading;
  - c. Burning without energy recovery; and
  - d. Land filling for disposal.
3. Partial reimbursement will be allowed only if the end use does not conflict with applicable state or local laws, ordinances or rules.
4. To be eligible for a partial reimbursement, the waste tire material must be from waste tires generated in Colorado, according to the requirements in Part IV of these rules.

B. Eligible applicants.

1. End users are eligible for partial reimbursement, and must certify an end use.
2. Processors are eligible for partial reimbursement only if they can provide certification that the processed tires were used for an eligible end use.
3. [Rule Part II, B.3 adopted or amended on or after November 1, 2000 and before November 1, 2001 was not extended by H.B. 02-1203 and therefore expired May 15, 2002.]

### Part III. Colorado Generated Waste Tires

A. Only Colorado-generated waste tires qualify for partial reimbursement, including tires that are:

1. A discarded, worn, or damaged tire that has been removed from a vehicle as the result of a sale, trade, or exchange in Colorado, or
2. From a Colorado tire pile that existed prior to September 3, 1999, the original effective date of these rules.

### Part IV. Application Procedures

A. An end user or processor may apply to the Director for partial reimbursement for end use of waste tire material if the request for partial reimbursement is complete and complies with the provisions of these rules.

B. The minimum partial reimbursement application amount is 5,000 passenger tire equivalents or 50 tons of waste tire material used within one state fiscal year (July 1 through June 30).

C. The first application by an applicant in any fiscal year must be greater than or equal to 50 tons of waste tire material, processed or end-used in the preceding quarter(s). Acceptable documentation proving the minimum 50 tons of waste tire material may include but is not limited to weight tickets from a scale or number and type of tires.

D. Eligible applicants must certify that the waste tires for which they are claiming partial reimbursement have not been claimed by another applicant or by themselves at a previous time. In addition, applicants must certify that the waste tire material is not being provided to a local government securing or having secured a grant from the Recycling Incentives Program.

E. Applications must be for waste tires that have been processed or used within the preceding quarter, with the exception of an applicant who requires more than one quarter to process 50 tons or more of waste tire material for partial reimbursement.

F. To be considered as Colorado-generated waste tires eligible for partial reimbursement, the waste tires must be documented as such in a manner acceptable to the Director. Acceptable documentation must include a certifying statement signed by the applicant stating that the waste tires are Colorado-generated in accordance with the requirements of Part III of these rules. Other acceptable forms of documentation may include invoices, reports of material delivered, or copies of purchase agreements, upon the Director's approval.

G. An applicant for partial reimbursement must file the appropriate DLG form or its equivalent with the Director, providing at a minimum:

1. Applicant's name and address;
2. Name and location where end use or processing occurred;
3. A description of the end use or processing. 4. The amount of processed waste tire material used, by weight and/or type and number of tires;
4. The time period the waste tire material was processed or end-used within the current state fiscal year.
5. An original invoice or another acceptable document showing:
  - a. The invoice or purchase price, or the commodity price, of the waste tire material used or, a receipt showing the weight and price paid by the applicant to purchase the waste tire material; and/or
  - b. Itemized document showing the cost of use for the waste tire material on a per ton basis (as defined herein, Part I.A.3).
6. An authorized signature.

H. Applications for quarterly partial reimbursement will be accepted no later than the 20th day of the months of April, July, October and January. Applications received after the deadline will be considered late and partial reimbursement will not be considered for that calendar quarter.

#### Part V. Partial Reimbursement Rate

A. The amount of the partial reimbursement for processed waste tire material may be up to \$50.00 per ton.

B. Funds will be disbursed pro-rata, based on the amount of revenue received in the current state fiscal year quarter made available to the Director for partial reimbursements, divided by the requests received by the date in IV.H, above, as expressed in tons. The amount of such money may be a maximum of 20% of the Waste Tire Cleanup Program funds received by the Division of Local Government, as determined by the Director. If the Director determines at the end of each fiscal quarter that there are uncommitted funds, then the director shall have the discretion to reallocate the uncommitted funds to end users, not exceeding \$50 per ton partial reimbursement, but which may exceed the end user 20% maximum, if funding needs in the illegal waste tire cleanup, recycling incentives, and Colorado Commission on Higher Education programs during the preceding quarters are not evident.

## Part VI. Processing of Applications

- A. The Director shall review the partial reimbursement application for completeness and eligibility by the first of the month following the application deadline in Section IV.H, above.
- B. If an application is not complete as required in Part IV of these rules, the Director will require the applicant to submit the missing information within a prescribed time period. The Director will defer partial reimbursement to the applicant until adequate information is received.
- C. The Director will process for payment all applications for partial reimbursement that are complete and in compliance with these rules up to the amount of available funds.
- D. Completed applications will be processed within ten business days of the month following the application deadline in Section IV.H, above.
- E. If an applicant believes an error has been made in the response to an application, DLG shall be notified in writing within 30 days of receiving DLG's response. The notice shall contain a copy of the application and DLG's response, a brief statement describing the believed error, and copies of any documents supporting the statement. DLG shall review the notice and attached documents and may further investigate the matter. DLG shall respond to the applicant in writing concerning the applicant's notice of error. If DLG concludes that an error has been made, he shall reinstate the application and act on it. If available funds are exhausted, and would not have been had DLG acted correctly on the application originally, the reinstated application shall be carried over to the proceeding quarter and paid from available funds.

## Part VII. Enforcement

- A. An end user or processor who applies for a partial reimbursement is subject to audit by DLG. Applicants shall allow access to all records related to waste tire management activities during normal business hours for the purpose of determining compliance with these rules for five years from the date of partial reimbursement.
- B. In addition to any other penalty imposed by law, any applicant who fraudulently provides false information to the director in applying for a partial reimbursement shall be made ineligible to receive any partial reimbursement under these rules.